



**CITY OF KINGSTON PLANNING BOARD
MEETING MINUTES
April 11, 2016
Common Council Chambers – 6:00 PM**

NOTES: (1) These meeting minutes are a summarization of notes and not an absolute transcript of dialogue. (2) All public hearings were conducted prior to the Planning Board discussions with the applicant(s) and any comment received is included within the written section of the minutes. (3) In the absence of full Planning Board Members, or in the case of a necessary abstention, the Planning Board Alternates will participate in the vote in order of seniority.

A meeting of the City of Kingston Planning Board was held on April 11, 2016 in the Common Council Chambers at Kingston City Hall, 420 Broadway, Kingston, New York. The meeting was called to order at 6:00 PM by Chairman Wayne D. Platte Jr.

BOARD/ALTERNATE MEMBERS PRESENT: Wayne D. Platte, Jr., Chairman; John Dwyer Jr, Vice-Chairman, MaryJo Wiltshire, Charles Polacco, Robert Jacobsen, Jonathan Korn, and William Tubby.

BOARD/ALTERNATE MEMBERS ABSENT: Jamie Mills.

OTHERS: Suzanne Cahill, Planning Director, Kyla Haber, Assistant Planner.

GENERAL NOTES:

1. Pledge of Allegiance
2. Introduction of all Board Members and Staff Present
3. Identify exits, bathrooms, no elevator in case of emergency
4. Silence cell phones, conversations should be taken out of room
5. Respect speakers

REGULAR BUSINESS:

Item #1: Open Public Speaking (6:00P.M. – 6:15 P.M.)

Chairman Platte opened the public speaking portion of the meeting.

Vincent Perry – Owns a property at 60 South Washington Avenue. Stated that he has complained in the past about Ride Auto at 299 South Wall Street creating excessive noise in the afternoon into the late night. When the Planning Board approved the project, they issued a number of conditions including hours of operation. The owners of Ride Auto are regularly

working into the night causing noise in the neighborhood. The owner has claimed racism which is not true. On March 16th, the police visited the site and found the owners removing a motor after midnight. Work did not end that night until 1am. The applicant has not been able to meet most of the conditions of her approval. He asked the Board to revoke the approval.

Matt Colangelo – Has lived at 84 Glen Street for 3 years. He has been very vocal regarding excessive traffic on Glen Street due to the UC properties and the Golden Hill Nursing Home. He has been to the Public Safety Committee for the City and was told to go to the County. He went to Ulster County and they told him to go to the City. He has been told to come to the Planning Board. No one will address his concerns. The street is very narrow and is only 15ft. wide. He has proposed a number of options to help the situation; lowering the speed limit, adding speed bumps, widening the road, or gating the end of the street.

Chairman Platte closed the public speaking portion of the meeting.

Item #2: Adoption of the March, 14 2016 Planning Board minutes.

Discussion: W. Platte asked the Board if they had time to review the minutes from the March meeting and if there were any comments or corrections. The Board agreed that there were no changes.

Decision: The Board voted unanimously to adopt the minutes from the March 14, 2016 Planning Board meeting. (WP, JD, RJ, CP, MW – yes)

PUBLIC HEARINGS:

Item #3: **#134 Downs Street** SPECIAL PERMIT to operate a 4 bedroom rooming house. SBL 48.334-2-1. SEQR Determination. Zone R-2. Ward 2. But What LLC/Tammy & Erin Kucharik; applicant/owner.

Discussion: No one spoke at the public hearing. Tammy & Erin Kucharik were present at the meeting.

The application is for a special permit to operate a rooming/boarding house. The applicants have owned the property since 2009. They stated that they have rented rooms in the house since their purchase in 2009. Building Inspector Jill Gagliardi inspected the structure after receiving a complaint from one of the tenants. She advised the owners that the use as a rooming/boarding house required a special permit from the Planning Board.

The application was tabled at the March 2016 Planning Board meeting due to some questions from the Building Safety Division regarding the number of rooms being rented and whether previous code issues were resolved. Tom Tiano, Deputy Chief of BSD was present at the meeting. He explained that he and Building Inspector, Jill Gagliardi, conducted an inspection of the house and found there to be 4 rooms being rented. He added that there were a few minor electrical related issues consisting of uncovered outlets but that there were no major issues with the structure. They informed the applicant that a parking variance would be required and explained to the Board that the applicants have filed the application with the ZBA and are

expected to appear before the ZBA this month. The parking requirement for rooming/boarding houses is 1 space per occupant based on maximum possible occupancy, plus one space for each employee.

The applicants have been given a copy of section 405-12(B) of the zoning code which lists the requirements for Boarding Houses. The owners do not live in the residence but have stated that they have a house manager, who is not a resident, and a point person that resides in the house. W. Platte informed the applicants that they need to submit contact information to the Planning Office and the Building Safety Division.

The house contains 4 bedrooms, all of which are rented to tenants. The owners have stated that they accept a maximum of 5 tenants at one time. Building Safety confirmed the allowance of 5 residents.

Staff contacted the UC Health Department prior to the March meeting and confirmed that the proposed use does not require any permit from their department. They advised that they do regulate "temporary housing" but that the size and operation of this structure would not trigger a permit requirement from their agency.

The Board discussed a term for the special permit. Staff advised that the zoning code limits the term to a maximum of 1 year. The Board agreed to approve a 1 year term.

The application was considered an Unlisted Action under SEQR.

Decision: The Board voted unanimously to render a negative declaration of environmental significance and to approve the special permit for a rooming/boarding house for a term of 1 year to expire on April 11, 2017 with the following conditions: resident agent contact information submitted to the Planning Office and Building Safety Division, a parking variance received from the ZBA, Board Policy #6 – owners signature, Board Policy # 16 – compliance with Zoning Code Section 405-12(B) requirements for rooming/boarding houses. (WP, CP, JD, MW – yes; RJ - no)

Item #4: **#365 S. Wall Street** SPECIAL PERMIT to operate an auto repair and sales business. SBL 56.124-5-13. SEQR Determination. Zone C-2. Ward 5. Michael LaBarbera; applicant/owner.

Discussion: No one spoke at the public hearing. Michael LaBarbera was present at the meeting. The application is to request approval to operate an auto repair and sales business. The applicant explained that he has operated at this location for about 8 years and was not aware that a permit was required. Chairman Platte explained that the Building Safety Division visited the site as a result of a complaint for vehicles parked on the sidewalk. At that time, the BSD informed the owner that he needs to create a site plan and obtain an approval from the Planning Board for a special permit.

The owner sells cars on the lot and rents the 2 garage bays to a mechanic to do work on cars. The hours of operation for the business are Monday – Friday from 9am-5pm and Saturday from 10am-3pm. The business is closed on Sundays.

Staff requested that the applicant add a parking layout to the plan that he submitted. W. Platte explained that the plan would also need to accommodate an area for pedestrians to walk around the corner without having to walk in the street. M. LaBarbera said that he has a sidewalk on the Boulevard side of the property but that he didn't realize that he needed to accommodate a sidewalk along South Wall because the pavement goes right to the curb with no defined sidewalk. W. Platte told him that there is a City right of way that needs to be kept free from obstruction. He told the applicant to contact the City Engineering Office to find out where the right of way is.

Proper licensing from NYS is required for both sales and repair.

The Board discussed a term for the special permit. R. Jacobsen stated that he has been by this property a number of times and has always thought that it was well kept and orderly. The Board agreed that there are no complaints with cleanliness. They agreed to issue a 5 year term.

Staff stated that although there are no complaints about the upkeep of the property, the applicant should be aware of the sections of the zoning code that pertain to storage of vehicles. The following sections will be provided to the applicant.

Vehicle storage –

405-39 – No unenclosed storage, except parking of operable motor vehicles which are validly inspected and registered with valid current license plates shall be permitted in any district of the City of Kingston.

405-33(D) – All automobile parts wrecked or damaged motor vehicles or similar articles shall be stored within an approved enclosed area. Major repair work may be carried on outdoors where it is impractical to do such work within a building but in no case shall any vehicles requiring such work to be stored outdoors for a period exceeding 30 days. Gasoline or oil sales, changing of tires and other similar work shall not be considered major repair work.

405-33 (E) – “No automobile service station and no gasoline or oil pump or automotive service appliance unless within the building shall be permitted to be established on a lot which is within 1000ft of another lot on which there is an existing automobile service station or outdoor gasoline or oil pump or...”

This application was considered to be an Unlisted Action under SEQR. A determination of environmental significance was considered.

Decisions: The Board voted unanimously to render a negative declaration of environmental significance and to approve the special permit for 5 years to expire on April 11, 2021 with the following conditions: submission of a parking plan to staff including delineation of the public right of way, compliance with vehicle storage requirements in zoning code sections 405-39, 405-33(D), and 405-33 (E), as well as board policy # 6 – signature on final plans. (WP, RJ, JD, MW, CP – yes)

Item #5: #200 North Street SITE PLAN/SPECIAL PERMIT to establish and operate multi-use market. SBL 48.84-1-4. SEQR Determination. Zone RF-H, Heritage Area and Coastal Zone. Ward 9. Jonathan Butler/applicant; North Street Brick Works LLC/owner.

Discussion: No one spoke at the public hearing. Jonathan Butler, Stuart Messinger, and Kevin McManus were present at the meeting. The Planning Board and the Heritage Area Commission conducted a site visit with the applicants earlier in the day. S. Cahill asked the Board if they had any questions for the applicants. She explained that a resolution was prepared for the Board's consideration to declare the Planning Board's intent to seek Lead Agency. She explained that the project is a Type I action under SEQR and therefore a coordinated review is required.

S. Cahill also asked the Board to consider allowing the Planning Office to refer the application and associated materials to the Ulster County Planning Board for review.

Decision: The Board voted unanimously to adopt the resolution to seek Lead Agency status in the SEQR review. The Board also voted unanimously to allow staff to refer the application to the Ulster County Planning Board for review. (WP, CP, JD, MW, JK – yes)

NEW BUSINESS:

Item #6: #299 South Wall Street SITE PLAN amendment to operate an auto repair facility. SBL 56.32-6-30.100. SEQR Determination. Zone C-3. Ward 5. Arlet Cartagena/applicant; Edward Lattin; owner.

Discussion: Arlet Cartagena was present at the meeting. She is seeking to amend the site plan for Ride Auto to allow for additional parking for their repair vehicles. A. Cartagena presented a plan to the Board. S. Cahill stated that the plan was not submitted prior to the meeting.

W. Platte asked about the noise complaints. A. Cartagena admitted to working late the night of March 16th but said that it was a special circumstance because a storm set them back and they were trying to complete work. She said that the air compressor they have in the shop is on all the time and that it does generate some noise. S. Cahill asked why it is on 24 hours a day and whether it could be turned off. A. Cartagena said that there is no on/off switch. S. Cahill said that she would contact the Police Department to discuss the noise issues. The police report that was received by the Planning Office was not very detailed regarding the complaints and outcomes.

A. Cartagena stated that she returned to the Board to request an amendment to the plan to create additional parking spaces for her repair business. The parking lot is paved, however, the approved plan only included parking along the fence. R. Jacobsen asked why the Planning Board is reviewing parking if the lot is already paved. The reason is because the Building Department is regularly visiting the site due to complaints of noise, and vehicles to confirm that the site is in compliance with the approved site plan. The applicant is applying to amend the plan because she has been told that she is not in compliance.

S. Cahill requested that the Board table the application to allow staff the ability to visit the site and review the plan submitted. Prior to the May meeting, staff will contact the Police Department to discuss the ongoing noise complaints.

Decision: The Board voted unanimously to table the application. (WP, RJ, MW, CP, JD – yes)

Item #7: #32 Abeel Street & 33-39 Abeel Street SITE PLAN to construct a 16,889sf community center. SBL 56.43-5-35.100 & 56.43-3-27. SEQR Determination. Zone RT, Rondout Historic District, HAC. Ward 8. Irish Cultural Center Hudson Valley Inc.; applicant/owner.

Discussion: No one was present at the meeting. Ronald Pordy, attorney for the applicant has submitted a statement requesting that the application be tabled until next month. The reasoning stated is that his clients are seeking services of a new architect.

Decision: The Board voted unanimously to table the application. (WP, MW, CP, JK, WT – yes; JD, RJ – recuse)

Item #8: #199 R Hurley Avenue & #203 & 205 Hurley Avenue & 493-495 Washington Avenue SITE PLAN to construct a 60 unit senior housing complex. SBL 48.70-1-7.200 & 48.70-1-15.100 & 48.70-1-15.200. Zone C-1/O-2. Hudson Valley Housing Development Fund Company, Inc./applicant; Hudson Valley Housing Development Fund Company, Inc./ Ulster Savings Bank/owner.

Discussion: Staff explained to the Board that the applicants contacted the office earlier in the day to request that the Board table the application. They anticipated that the closing would have taken place for one of the access parcels prior to the meeting, however, at this time the closing was still pending.

Decision: The Board voted unanimously to table the application. (WP, RJ, JD, MW, CP – yes)